

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

RUI JIANG,

*Defendant.*

Case No. 1:24-cr-65

**CONSENT MOTION TO SET COMPETENCY HEARING**

The United States of America, by and through undersigned counsel, with the consent of the defendant, through his counsel, respectfully moves the Court for to set a competency hearing for July 24, 2024, at 10:00 a.m. and to order that Dr. Travis Flower meet with the defendant prior to the competency hearing and file a supplemental report in relation to the defendant's competency. In support thereof, the government states as follows:

1. At a hearing on June 5, 2024, the Court found reasonable cause to believe that the defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent, pursuant to 18 U.S.C. § 4241(a). The parties did not object to that finding.

2. On June 7, 2024, the Court issued an Order that the defendant undergo a psychiatric or psychological examination regarding his competency, that all pretrial motions be held in abeyance pending the defendant's competency evaluation and hearing, and that the parties file briefing regarding next steps one week after the submission of the competency evaluation report. Dkt. No. 65. Additionally, the Court found that any delay resulting from proceedings in relation to the defendant's competency and due to consideration of the outstanding pretrial motions would be excluded from the Speedy Trial Calculation, pursuant to 18 U.S.C. § 3161(h)(1)(A), (D). *Id.*

3. On June 11, 2024, the Court designated Dr. Travis Flower as the expert to conduct the competency evaluation of the defendant. Dkt. No. 67. Thereafter, Dr. Travis Flower filed, under seal, his competency evaluation report on June 18, 2024. Dkt. No. 68.

4. The parties have conferred, and in accordance with the Court's Order from June 7, 2024, they would respectfully request that the Court set a competency hearing for July 24, 2024, at 10:00 a.m. This additional time would provide the defendant with an opportunity to consider and follow through with the recommendations, if he so chooses, as outlined in Dr. Flower's evaluation. *See* Dkt. No. 68, at 12-13. Defense has informed the government that the defendant is amendable to an evaluation by a psychiatrist and any further treatment, if deemed appropriate. The parties would further request that the Court order Dr. Travis Flower to conduct an additional examination of the defendant prior to the competency hearing and file, under seal, a brief, supplemental addendum to his evaluation. This addendum would only need address any changes, if any, to the defendant's status.

5. The United States has advised counsel for the defendant of the filing of this motion, and the defendant has consented to its filing and the proposed Order.

WHEREFORE, the United States and the defendant request the Court set a competency hearing for July 24, 2024, at 10:00 a.m. and order that Dr. Travis Flower meet with the defendant prior to the competency hearing and file a brief, supplemental report in relation to the defendant's competency. A proposed order is attached to this Motion.

Respectfully submitted,

Jessica D. Aber  
United States Attorney

Date: June 21, 2024

By:                     /s/                      
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Kyle Boynton  
Trial Attorney  
Civil Rights Division

**CERTIFICATE OF SERVICE**

I hereby certify that on June 21, 2024, I filed the foregoing with the Office of the Clerk of Court electronically using the CM/ECF system, which will automatically send a notification of such filing to all counsel of record.

/s/  
Nicholas Durham  
Assistant United States Attorney

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**ORDER**

Upon the motion of the United States, by and through its attorneys, and the defendant, Rui Jiang, by and through his attorneys, it is hereby,

ORDERED that a competency hearing be set for July 24, 2024, at 10:00 a.m., and it is

FURTHER ORDERED that, prior to July 24, 2024, Dr. Travis Flower meet with Defendant, if possible, and thereafter file a brief, supplemental report, under seal, in relation to Defendant's competency. Such report will lay out any changes in relation to Defendant's status, if any, perceived by Dr. Flower that have arisen since his original evaluation report, and it is

FURTHER ORDERED that any period of delay resulting from these proceedings to determine Defendant's competency will be excluded from the Speedy Trial Calculation pursuant to 18 U.S.C. § 3161(h)(1)(A); and it is

FURTHER ORDERED that any period of delay resulting from the disposition of pretrial motions will be excluded from the Speedy Trial Calculation pursuant to 18 U.S.C. § 3161(h)(1)(D).

Date: June\_\_\_\_\_, 2024  
Alexandria, Virginia